

Remarks

Claims 1-28 are pending in the application, and stand rejected.

Claim rejections

Claims 1-5, 17, 21 and 25-28 were rejected under 35 USC 103(a) as being unpatentable over Tayloe et al. ("Tayloe") (US 6,192,240 B1) in view of Bartle et al. (US 6,018,655) ("Bartle"), and further in view of Schipper et al. (US 6,038,444) ("Schipper"). The Applicant respectfully traverses. The cited references do not support the asserted rejection for at least the reason that they do not disclose or suggest "consulting data comprising a plurality of predetermined prediction points indicating a fixed structure capable of presenting an interference to a communication in progress, wherein a prediction point is separated from an interruption point by a first predetermined time or distance interval, and a second predetermined time or distance interval between the interruption point and a connectivity point defines a no-coverage zone, the communication being capable of being re-established at or beyond the connectivity point outside the no-coverage zone," as recited in independent claims 1, 21, 25, 26 and 28.

The Office Action recognizes that Tayloe does not disclose consulting data comprising a plurality of predetermined prediction points indicating a fixed structure capable of presenting an interference to a communication in progress. Bartle at columns 5 and 6 is cited as providing the teaching absent from Tayloe.

Bartle generally relates to warning a cellular telephone user of an imminent disconnection. However, Bartle is silent concerning predetermined prediction points as claimed. Instead, Bartle's system is based on counting frame errors and determining if they exceed a predefined threshold. See, e.g., decision block 104 in FIG. 2 of Bartle, and col. 4, lines 64-67 through col. 5, lines 1-8. Cols. 5 and 6, cited in the Office Action, merely elaborate on various ways in which error rates are determined. Cols. 5 and 6 are primarily devoted to a discussion of FIG. 3, which shows details of decision block 104 (see col. 5, lines 9-10).

As corresponding to the claimed "prediction points indicating a fixed structure capable of presenting an interference to a communication in progress," the Office Action refers to "columns 5 and 6, where the fixed structures can be base stations." Col. 6, lines 1-4, do in fact mention "historic data" which consists, among other things, of a "base station identification." However, it is clear that the base station identification referred to is merely a piece of information used to adaptively determine a threshold count of errors and threshold rate of errors. This is evident when the mention of the historic data is seen in context:

"Whereas the predefined threshold count of errors indication and the predefined threshold rate of errors indication for each particular type of count/rate communication condition is, according to the preferred embodiment of the present invention, fixed and initialized during installation, alternate embodiments of the present invention are contemplated wherein each such predefined indication is determined by an adaptive process which continually updates the predefined indications based upon continuing historical likelihoods of disconnection, the implementation of which would be understood by one reasonably skilled in the art after reading and understanding the present specification. As an example, historic data consisting of system identification, network identification, base station identification and other information is used to determine if a CDMA disconnection or handoff will take place."

Bartle, col. 5, lines 56-67 through col. 6, lines 1-4. There is certainly no suggestion whatever that the base station whose identification is used is a structure that presents an interference to a communication in progress.

Furthermore, there is no suggestion or motivation to combine Tayloe with Bartle. Both relate generally to notifying users of communication outages, but each offers its own solution without identifying or suggesting any particular deficiency which is unambiguously resolved by the other. Accordingly, the claims are allowable over Tayloe and Bartle.

The claims are further allowable over the combination of Tayloe and Bartle with Schipper. Schipper relates generally to managing hand-offs between cellular service providers when crossing between respective coverage areas.

Schipper's system involves detecting an approach to a boundary of a cellular coverage zone and advising a user as to whether or not service is likely to be provided on the other side of the boundary. See, e.g., Schipper at col. 3, lines 50-67 to col. 4, lines 1-3. However, Schipper is completely silent concerning predetermined prediction points indicating a fixed structure capable of presenting an interference to a communication in progress.

Moreover, Schipper is further silent with regard to a "prediction point ... separated from an interruption point by a first predetermined time or distance interval, and a second predetermined time or distance interval between the interruption point and a connectivity point defin[ing] a no-coverage zone, the communication being capable of being re-established at or beyond the connectivity point outside the no-coverage zone," as recited in the independent claims. The Office Action cites Schipper at FIG.2 and col. 3, lines 50-67; FIG. 2 item CR12; cols. 5 and 6, lines 47-67 and 1-18; and cols. 3 and 4, lines 65-67 and 1-3 as corresponding to the noted features.

Respectfully, the Office Action's analogy does not withstand scrutiny. For example, item CR12 is supposed to correspond to the claimed no-coverage zone. However, CR12 is an "overlap or common region between ... contiguous cellzones ...where each of two cellular phone service facilities can serve a cellphone user" (col. 6, lines 23-25). This is not a no-coverage zone; if anything, it is a dual-coverage zone. Moreover, in the absence of a no-coverage zone, it is clear that the other elements of the claims (e.g. a connectivity point; a distance between an interruption point and the connectivity point) cannot be met, since these elements are defined in terms of their relationship to the no-coverage zone.

Accordingly, the claims are allowable over the combination of Tayloe, Bartle and Schipper for at least the above reasons. Moreover, the combination itself is inapposite. Along lines discussed previously, Tayloe and Bartle each offers its own system for managing call outages, and neither suggests any deficiency which is remedied by the other. Similarly, there is nothing to suggest or motivate the further addition of Schipper to the combination except for the Applicant's claims. Schipper does not mesh in any marked way with either

Tayloe or Bartle, or provide some advantage or teaching notably lacking from Tayloe or Bartle.

Withdrawal of the rejection is therefore respectfully requested.

Claims 10-16, 18-20 and 22-24 were rejected under 35 USC 103(a) as being unpatentable over Tayloe in view of Bartle, and further in view of Schipper and Amin et al. (US 5,995,830) ("Amin"). These claims depend on one of independent claims 1 and 21, and are therefore allowable over Tayloe, Bartle and Schipper for at least the reasons discussed above. Amin does not cure the deficiencies in Tayloe, Bartle and Schipper, and therefore the claims are further allowable over the cited combination. Withdrawal of the rejection is therefore respectfully requested.

Claims 6-9 were rejected under 35 USC 103(a) as being unpatentable over Tayloe in view of Bartle, and further in view of Schipper and Elwin (US 6,317,596). Claims 6-9 depend on claim 1 and are therefore allowable for at least that reason over Tayloe, Bartle and Schipper. Elwin does not cure deficiencies in the latter and therefore claims 6-9 are further allowable over Elwin. Withdrawal of the rejection of claims 6-9 as being unpatentable over Tayloe, Bartle, Schipper and Elwin is therefore respectfully requested.

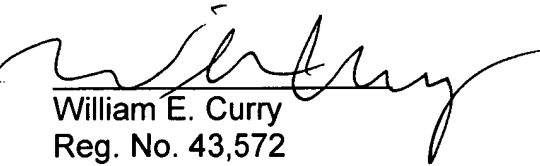
Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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By: 
William E. Curry
Reg. No. 43,572

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201